

The Honorable Thomas Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RANDY LESHON STEVENS,

Plaintiff,

VS.

THE CITY OF SEATTLE, a municipal corporation,

Defendant.

No. 2:14-cv-01877-TSZ

DEFENDANT'S ANSWER AND
AFFIRMATIVE DEFENSES

JURY DEMAND

COMES NOW defendant City of Seattle, by and through its attorneys of record, Peter S. Holmes, Seattle City Attorney; and Christine L. Olson, Assistant City Attorney; and hereby submits its Answer and Affirmative Defenses to plaintiff's Complaint, and alleges as follows:

I. JURISDICTION AND VENUE

1. The allegations in this paragraph state legal conclusions to which no answer is required, and defendant denies the allegations.

2. Defendant admits that the Court has jurisdiction over this matter.

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II. PARTIES

3. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph, and therefore denies the allegations.

4. Defendant admits the allegations of this paragraph.

III. TORT CLAIM

5. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph, and therefore denies the allegations.

IV. JURY DEMAND

6. Defendant admits that plaintiff demands a trial by jury. Defendant also demands a jury trial.

V. BACKGROUND FACTS

7. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph, and therefore denies the allegations.

8. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph, and therefore denies the allegations.

9. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph, and therefore denies the allegations.

10. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph, and therefore denies the allegations.

11. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph, and therefore denies the allegations.

12. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph, and therefore denies the allegations.

1 13. Defendant denies knowledge or information sufficient to form a belief as to the truth of the
2 allegations set forth in this paragraph, and therefore denies the allegations.

3 14. Defendant denies knowledge or information sufficient to form a belief as to the truth of the
4 allegations set forth in this paragraph, and therefore denies the allegations.

5 15. Defendant denies knowledge or information sufficient to form a belief as to the truth of the
6 allegations set forth in this paragraph, and therefore denies the allegations.

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8 allegations set forth in this paragraph, and therefore denies the allegations.

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10 allegations set forth in this paragraph, and therefore denies the allegations.

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12 allegations set forth in this paragraph, and therefore denies the allegations.

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14 allegations set forth in this paragraph, and therefore denies the allegations.

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16 allegations set forth in this paragraph, and therefore denies the allegations.

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18 allegations set forth in this paragraph, and therefore denies the allegations.

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20 allegations set forth in this paragraph, and therefore denies the allegations.

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22 allegations set forth in this paragraph, and therefore denies the allegations.

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29. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph, and therefore denies the allegations.

30. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph, and therefore denies the allegations.

VI. CLAIMS AND CAUSES OF ACTION

COUNT I: VIOLATION OF 42 U.S.C. § 1983

31. Defendant re-alleges and incorporates the above by reference.

32. The allegations in this paragraph state legal conclusions to which no answer is required, and defendant denies the allegations.

33. Defendant denies the allegations of this paragraph.

COUNT II: FALSE ARREST

34. Defendant re-alleges and incorporates the above by reference.

35. Defendant denies the allegations of this paragraph.

COUNT III: FALSE IMPRISONMENT

36. Defendant re-alleges and incorporates the above by reference.

37. Defendant denies the allegations of this paragraph.

COUNT IV: OUTRAGEOUS CONDUCT

38. Defendant re-alleges and incorporates the above by reference.

39. Defendant denies the allegations of this paragraph.

COUNT V: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

40. Defendant re-alleges and incorporates the above by reference.

41. Defendant denies the allegations of this paragraph.

42. Defendant denies the allegations of this paragraph.

COUNT VI: VICARIOUS LIABILITY/RESPONDEAT SUPERIOR

43. Defendant re-alleges and incorporates the above by reference.

44. The allegations in this paragraph state legal conclusions to which no answer is required, and defendant denies the allegations.

VII. RELIEF SOUGHT

Defendant denies that plaintiff is entitled to any of the relief set forth in this section.

AFFIRMATIVE DEFENSES

1. Plaintiff has failed to state a claim upon which relief may be granted.

2. The City, a municipal corporation, is immune from liability for prejudgment interest on tort judgments and is immune from punitive damages.

3. The defendant has not violated any rights, privileges or immunities under the Constitution or laws of the United States or the State of Washington or any political subdivision thereof.

6. Any force used against plaintiff was reasonable.

7. Any damages suffered by plaintiff were caused in whole or in part by his own conduct or fault.

Defendant respectfully demands a trial by jury of all issues so triable.

WHEREFORE, defendant respectfully requests that the Complaint be dismissed with prejudice, that they be awarded costs and reasonable attorneys' fees herein, and that they be granted such other and further relief as the Court finds just and equitable.

DATED this 5th day of January, 2015.

By: s/Christine L. Olson
Christine L. Olson, WSBA #45416
Email: christine.olson@seattle.gov

Assistant City Attorney
Seattle City Attorney's Office
PO Box 94769
Seattle, WA 98124-4769
Ph: (206) 684-8200

Attorney for Defendant

CERTIFICATE OF SERVICE

I certify that on the 5th day of January, 2015, I electronically filed this document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following attorneys of record:

Attorneys for Plaintiff:

Frank A. Cornelius, frank@cornelius-law.com

Attorney for Defendant City of Seattle:

Christine Olson, christine.olson@seattle.gov

DATED this 5th day of January, 2015, at Seattle, King County, Washington.

s/Christine Olson
Christine Olson, WSBA #45416